

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD SANTOS,

Plaintiff(s),

vs.

ISIDRO BACA, et al.,

Defendant(s).

Case No. 2:11-cv-01251-KJD-NJK

ORDER

(Docket No. 152)

Pending before the Court is Plaintiff's motion to compel. Docket No. 152. The Court has carefully considered Plaintiff's motion, Defendants' response, and Plaintiff's reply. Docket Nos. 152, 167, 186.

Plaintiff's motion to compel seeks three categories of documents: (1) correctional officers Camacho, Fowler, and Carabajal's employment records, (2) information regarding the inmates held in HDSP operations unit holding cell from 2010 until 2011, and (3) a record of inmates receiving Kosher diets. *See* Docket No. 152. Defendants responded that these official documents are privileged or are otherwise confidential under Nevada Administrative Code 284.718 and Administrative Regulation 569. *See* Docket No. 167.

The parties did not brief whether Defendants may properly assert that these official documents are privileged based on state regulations in a case brought under Title 42, United States Code, Section 1983. *See, e.g., Cross v. Jaeger*, 2015 WL 1412845, at *4 (D. Nev. Mar. 27, 2015); *Hooks v. Bannister*, 2014 WL 6772989, at *5-6 (D. Nev. Dec. 2, 2014); *Manley v. Zimmer*, 2013 WL 5592328, at *12-16 (D. Nev. Oct. 9, 2013). Accordingly, in light of the above, the parties shall submit a

1 supplemental brief of no longer than 10 pages explaining: (1) whether Defendants may assert a
2 privilege based on state regulations in a case brought under Title 42, United States Code, Section 1983,
3 and (2) whether any other privilege applies. The supplemental briefs shall be submitted no later than
4 November 6, 2015.

5 IT IS SO ORDERED.

6 Dated: October 21, 2015

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10 NANCY J. KOPPE
11 UNITED STATES MAGISTRATE JUDGE
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